

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Stanford L. Burris

Plaintiff,

v.

Civ. No. 04-1469-SLR

Richards Paving, Inc.

Defendant

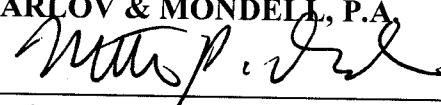
**DEFENDANT RICHARDS PAVING, INC.,'S  
MOTION IN LIMINE TO PRECLUDE THE TESTIMONY OF LAY WITNESSES  
REGARDING PLAINTIFF'S LOST WAGE CLAIM**

Defendant Richards Paving, Inc., (hereafter referred to as "Richards Paving") hereby moves this Court to enter an order granting its Motion in Limine to Preclude any testimony of plaintiff's lost wages.

1. It is anticipated that plaintiff will attempt to elicit testimony regarding any alleged lost wages claim.
2. However, plaintiff has never produced an expert report from an economist addressing any alleged wage lost claim made by plaintiff.
3. Pursuant to the Court's scheduling order, all expert reports were due by May 1, 2006. All discovery was to be completed by July 15, 2006.
4. Plaintiff is not an economic expert and should not be permitted to testify about any wages he may have lost by not being hired by Richards Paving. Such testimony is purely speculative and should not be considered by this Honorable Court.

5. Under the Federal Rules of Evidence (hereafter F.R.E.), rule 403, relevant evidence may be excluded if its probative value, substantially outweighs the danger of unfair prejudice, confusion of the issues or misleading the jury.
6. Furthermore, any testimony elicited by the plaintiff regarding a possible lost wage claim, does not qualify as opinion testimony by lay witnesses under F.R.E. 701,  
**WHEREFORE**, for the reasons stated above, Richards Paving respectfully request that this Court grant defendant's Motion in Limine.

ELZUFON AUSTIN REARDON  
TARLOV & MONDELL, P.A.



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Dated: October 30, 2006

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Stanford L. Burris

Plaintiff,

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Defendant

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, it is  
ORDERED that Defendant Richards Paving, Inc., s' Motion in Limine to preclude any  
testimony regarding plaintiff's lost wages is hereby GRANTED.

**IT IS SO ORDERED**

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J.